

Application No.: 09/817631

Docket No.: SMQ-028

**REMARKS**

Applicant cancels claims 28-29. Claim 23 is amended to conform to independent claims 1, 11, and 19. No new matter is added. Upon entry of this paper, claims 1-14 and 19-27 are pending, of which 1, 11, 19, and 23 are independent. Applicant notes with appreciation that the Examiner's allowance of claims 15-18. Applicant respectfully submits that the pending claims define over the art of record.

**Rejection of claims under 35 U.S.C. §102**

Claims 11-12, 23, 26, and 28-29 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,055,314 to Spies et al. (hereafter "Spies"). Applicant respectfully submits that Spies does not disclose each and every element and limitation of independent claims 11 and 23.

Independent claims 11 and 23 recite the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*. One advantage of the claimed invention is that the distributor can distribute the *encrypted* content to anyone requesting the digital media content from the server *without verifying* if the requesting party is entitled to the digital media content because anyone requesting the digital media content without the decryption key contained on the media card cannot use the digital media content. Another advantage of the claimed invention is that since the digital media content is *stored in encrypted form*, a user or distributor does not need to worry about copyright concerns, because only the users with a smart card having a valid license may view the digital media content. Any copying of the digital media content without a license on a smart card will be useless for a user. Applicant respectfully submits that Spies does not teach the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*.

Spies teaches a system and method for secure purchase and delivery of video content programs. Spies does not disclose the limitation of the *encrypted digital media content being stored on said electronic device*. Nowhere does Spies mentioned that the encrypted digital media

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content is stored on the electronic device. A stream of video is transmitted for viewing but not for storage. Applicant respectfully submits that the idea of streaming video data across a network for viewing by a user is very different from the idea of storing a video file on an electronic device and then viewing the stored video from the electronic device. Additionally, Spies do not suggest the possibility of storing digital media content *in encrypted form*. Spies discusses a system where the decryption capabilities are unique to the IC card and the purchased program. The IC card uses packet keys to decrypt the encrypted data. The packet keys are destroyed by the IC card after decrypting the stream of video data received from the video content provider. See Col. 8, lines 28-31 and Col. 10 line 45. Hence, it does not make sense for Spies to allow storing of an encrypted form of digital media content on an electronic device because the encrypted digital media content would not be able to be decrypted after the packet keys are destroyed. Therefore, it is impossible for Spies to disclose, teach, or suggest the element of receiving digital media content *in encrypted form for storage* on the electronic device.

Therefore, Spies does not disclose, teach, or suggest the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*, which is required by independent claims 11 and 23. Accordingly, Applicant respectfully requests that the Examiner reconsiders and withdraws the rejections of claims 11 and 23 and their corresponding dependent claims 12 and 26.

Claims 28 and 29 are cancelled, hence the rejection of claims 28 and 29 are moot.

Rejection of claims under 35 U.S.C. §103

Claims 1-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4,098,834 to Wiedemer (hereafter Wiedemer) in view of Spies. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedemer in view of Spies further in view of Digital Audio-Visual Council ("Description of Digital Audio-Visual Functionalities"). Claims 7-8 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wiedemer in view of Spies and further in view of United States Patent No. 6,298,441 to Handelsman et al.

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(hereafter "Handelman"). Claims 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Spies and further in view of Digital Audio-Visual Council. Claims 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,449,103 to Tsuria et al. (hereafter "Tsuria") in view of Spies. Claims 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuria in view of Spies and further in view of Digital Audio-Visual Council. Claims 24-25 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Spies in view of Handelman. Applicant respectfully submits that any combination of Spies, Wiedemer, Digital Audio-Visual Council, Handelman, and Tsuria does not teach or suggest the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*, which is required by all the pending claims.

#### The Spies Reference

As set forth above, Applicant respectfully submits that Spies does not teach or suggest the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*.

#### The Wiedemer Reference

The Examiner contemplates that Wiedemer teaches the element of the encrypted digital media content being stored on the electronic device in Fig. 3, step 52. See page 6 of the Office Action. However, step 52 does not store the encrypted digital media content on the electronic device but rather a demodulator demodulates the broadcast code from the composite video from a tuner. See Col. 7, lines 40-44. Nowhere does Wiedemer discuss storing the encrypted digital media content on an electronic device. Similar to Spies, Wiedemer also teaches a system for sending a stream of video for viewing and not sending a file for storing and *viewing the stored file*. Applicant respectfully submits that Wiedemer does not teach the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*.

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Digital Audio-Visual Council

In section 8.2.2.3 of Digital Audio-Visual Council, when a content element is delivered from the content provider via a Service Provider to an end user, authentication is required between the Content Provider and Service Provider. Nowhere in Digital Audio-Visual Council discusses that a user may store encrypted digital media content on an electronic device. Therefore, Digital Audio-Visual Council does not teach or suggest the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*.

The Hendelman Reference

Handelman's system checks if a subscriber is entitled to the service requested prior to providing the service. See Fig. 8 and Col. 12 lines 24-31. Furthermore, Handelman teaches that information document is loaded and stored in a smart card and then viewed by a viewing device. See Abstract and Summary. Therefore, Handelman does not teach or suggest the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*.

The Tsuria Reference

Tsuria teaches a symbol-display subscriber unit for use with a broadcast system. Similar to Wiedemer, Tsuria also teaches a system for sending a stream of video for viewing and not sending a file for storing and viewing the stored file. Nowhere does the Tsuria reference teaches or suggests that an encrypted form of digital media content may be stored on an electronic device. See Fig. 2A. Applicant respectfully submits that Tsuria does not teach the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*.

As set forth above, Spies, Wiedemer, Digital Audio-Visual Council, Handelman, and Tsuria, either alone or in combination, do not teach or suggest the element of receiving a stream of said digital media content *in encrypted form* from said medium with said electronic device, *said encrypted digital media content being stored on said electronic device*. Applicant

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respectfully requests that the Examiner reconsiders and withdraws the rejection of the pending claims.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-028 from which the undersigned is authorized to draw.

Dated: July 14, 2005

Respectfully submitted,

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